

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY HOBSON,
Petitioner,
v.

JERRY HOWELL, *et al.*,
Respondents.

Case No. 2:20-cv-00503-KJD-NJK

ORDER

In this habeas corpus action, the petitioner, Tony Hobson, represented by appointed counsel, filed a second amended habeas petition on December 4, 2020 (ECF No. 16). The respondents filed a motion to dismiss on May 11, 2021 (ECF No. 24). Petitioner filed a response to the motion to dismiss (ECF No. 31) and a motion for leave to conduct discovery (ECF No. 32) on August 26, 2021.

Respondents are now due to file a reply in support of their motion to dismiss and a response to the motion for leave to conduct discovery by September 27, 2021. The scheduling order in this case (ECF No. 11) grants Respondents 30 days to file a reply to an opposition to a motion to dismiss. The scheduling order provides that a response to a motion for leave to conduct discovery is due at the same time as the reply in support of the motion to dismiss. Thirty days from August 26 is September 25, a Saturday; the reply to the opposition to the motion to dismiss and the response to the motion for leave to conduct discovery are due on Monday, September 27.

On August 31, 2021, Respondents filed a motion for extension of time, mistakenly believing their reply to the opposition to the motion to dismiss is due on September 2, 2021, and that their response to the motion for leave to conduct discovery

1 is due on September 9, 2021, and requesting an extension of time for both filings to
2 November 8, 2021 (ECF No. 33).

3 An extension of time to November 8, 2021, would be an extension of 42 days
4 from the actual September 27 due date. This would be the first extension of these
5 deadlines. Respondents' counsel states that the extension of time is necessary because
6 she was out of the country visiting family for nine days, from August 17 to 26, 2021.

7 Petitioner does not oppose the motion for extension of time.

8 The Court finds that the motion for extension of time is made in good faith and
9 not solely for the purpose of delay, and there is good cause for the extension of time.

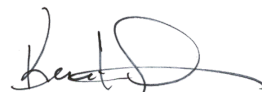
10 The Court will grant the extension of time to November 8, 2021.

11 However, the Court finds this to be a long extension of time for a reply in support
12 of a motion to dismiss and response to a motion for leave to conduct discovery,
13 especially considering that the stated reason for the extension of time is Respondents'
14 counsel's nine days away from her office. The Court will not look favorably upon any
15 motion to further extend this deadline.

16 **IT IS THEREFORE ORDERED** that Respondents' Motion for Enlargement
17 of Time (ECF No. 33) is **GRANTED**. Respondents will have until and including
18 **November 8, 2021**, to file a reply in support of their motion to dismiss and a response
19 to Petitioner's motion for leave to conduct discovery.

20 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
21 proceedings set forth in the order entered July 15, 2020 (ECF No. 11) will remain in
22 effect.

23
24 DATED THIS 31 day of August, 2021.

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27 KENT J. DAWSON,
28 UNITED STATES DISTRICT JUDGE